S.B. CIVIL WRIT PETITION NO.573/2006
(Vishnu vs. Judge, MACT, Dedwana & Ors.)

Date :: 08.02.2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr.G.R. Punia, for the petitioner.

This petition for writ is preferred giving challenge to the order dated 13th January, 2006 passed by the learned Judge, Motor Accident Claims Tribunal, Deedwana.

By the order impugned the learned Tribunal rejected the application submitted by the petitioner through her guardian Smt. Bhanwari wife of Sunial Kumar to permit to withdraw Fixed Deposit amount awarded under the award dated 3.6.2005 in MACT Case No.4/20002. The permission to withdraw the fixed deposit amount was sought as the money is required for the purpose of treatment of petitioner who suffered the accident. The learned Tribunal rejected the application on the count that by permitting to release fixed deposit amount the petitioner may face obstructions in his daily expenses.

It is true that court is always required to

protect the rights of the minor. However, at the same time, it is also required to be kept in mind that the money awarded be used for the purpose of treatment of the victim. In the present case, from the documents placed on record and the averments contained in the application, it is apparent that the petitioner is undergoing treatment and for the purpose he requires money.

In view of it, I am of the considered opinion that if the petitioner be permitted to get one fixed deposit from among the three fixed deposits executed in his favour no harm shall be caused to his rights.

Accordingly, the petition for writ is allowed. The court below is directed to release the F.D. No.8887694 issued by the Uco Bank, Deedwana pertaining to the amount of Rs.59,550/-.

The writ petition is disposed of accordingly.

[GOVIND MATHUR],J.

Ashwini/-